



RCE/3623  
#28/RCE w/EOT

<b>REQUEST For CONTINUED EXAMINATION (RCE) TRANSMITTAL</b>  Address to: <b>MAIL STOP RCE COMMISSIONER FOR PATENTS P.O. BOX 1450 ALEXANDRIA, VA 22313-1450</b>  (Revised 09/2003)	Application Number 09/385,414 <i>St. Ellis</i>
	Filing Date August 30, 1999 <i>12-10-03</i>
	First Named Inventor: Poage et al.
	Art Unit: 3623
	Examiner Name: C. Colon
	Confirmation No.: 9114
Attorney Docket No. 023895/257070	

**RECEIVED**  
DEC 02 2003  
**GROUP 36C**

This is a request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

**1. Submission required under 37 C.F.R. § 1.114**

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
  - i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
  - ii. ☐ Other
- b. ☒ Enclosed
  - i. ☒ Amendment/Reply
  - ii. ☐ Affidavits(s)/Declarations(s)
  - iii. ☐ Information Disclosure Statement (IDS); of cites listed on PTO Form 1449
  - iv. ☐ Other

**2. Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other

12/01/2003 DMRKX21 00000155 09385414

01 701601	770.00 C/
02 701602	432.00 C/
03 701603	502.00 C/

The fee has been calculated as shown below:

(COL. 1)		(COL. 2)	(COL. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY	
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE	OR RATE	ADDIT. FEE
TOTAL	*48	**24	= 24	X 9=	\$	X 18=	\$432.00
INDEP	*13	***5	= 8	X 43=	\$	X 86=	\$688.00
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+145=	\$	+290=	\$
				TOTAL ADD FEE \$		OR TOTAL	\$1,120.00

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior Amendment or the number of claims originally filed.

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is **required** by 37 C.F.R. § 1.114 when the RCE is filed.

a. The Director is hereby authorized to charge any fee deficiencies, or credit any overpayments to Deposit Account No. 16-0605.

- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)  
(\$770.00 large entity; \$385.00 small entity)
- ii. ☐ Extension of Time Fee (37 C.F. R. §§ 1.136 and 1.17)
- iii. ☐ Other

b. ☒ Check in the amount of \$1,890.00 enclosed

Respectfully submitted,



W. Kevin Ransom  
 Registration No. 45,031

In re: Poage et al.  
Appl. No.: 09/385,414  
Filed: August 30, 1999  
Page 3

**Customer No. 00826**

**ALSTON & BIRD LLP**

Bank of America Plaza

101 South Tryon Street, Suite 4000

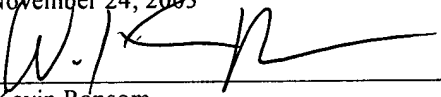
Charlotte, NC 28280-4000

Tel Charlotte Office (704) 444-1000

Fax Charlotte Office (704) 444-1111

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:  
Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,  
on November 24, 2003

  
\_\_\_\_\_  
W. Kevin Ransom

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